

Notice of Allowability

Application No.

10/724,282

Examiner

Sing P. Chan

Applicant(s)

WIEN ET AL.

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1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to june 19, 2007.
2. ☒ The allowed claim(s) is/are 231-244,246-255,257-271,273-294,296-301,303-336,338-344,351-356,358-362,366-384 and 386-389.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 4/10/07 | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Douglas Larson and Dr. Ronald Ugolick on July 2, 2007.

The application has been amended as follows:

Claim 231. (Currently Amended) A label application system, comprising:

an applicator body including a label support surface;

a first label having a narrow central opening; ~~and positioned in a first label application position on the label support surface with an exposed adhesive face of the first label disposed upwardly, and alternatively~~

a second label having a wide central opening, wider than the narrow central opening, ~~and positioned in a second label application position on the label support surface with an exposed adhesive face of the second label disposed upwardly;~~

the first label being positionable in a first label application position on the label support surface with an exposed adhesive face of the first label disposed upwardly, or the second label being positionable in a second label application position on the label support surface with an exposed adhesive face of the second label disposed upwardly;

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a post assembly extending up from a central area of the label support surface;
the post assembly having a first effective diameter adapted to center the first label in the first label application position;

engagement structure positionable by a user between an operative position and an inoperative position, the engagement structure when in the operative position extending generally above the label support surface and adapted to define a second effective diameter greater than that of the first effective diameter and adapted to center the second label in the second label application position;

the engagement structure is in the inoperative position when the first label is in the first label application position; and

the post assembly including an article support surface adapted to support an article in a position such that the article can be pressed down and against the exposed adhesive face of the first label when in the first label application position and against the exposed adhesive face of the second label when in the second label application position.

Claim 248. (Currently Amended) A label application system, comprising: an applicator body including a label support surface; ~~a first label having a narrow central opening and positioned in a first label application position on the label support surface with an exposed adhesive face of the first label disposed upwardly and alternatively~~

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a second label having a wide central opening, wider than the narrow central opening, and positioned in a second label application position on the label support surface with an exposed adhesive face of the second label disposed upwardly;

the first label being positionable in a first label application position on the label support surface with an exposed adhesive face of the first label disposed upwardly, or the second label being positionable in a second label application position on the label support surface with an exposed adhesive face of the second label disposed upwardly;

post means extending up from a central area of the label support surface for centering the first label in the first label application position;

centering means positionable by a user between an operative position and an inoperative position, the centering means when in the operative position extending generally above the label support surface for centering the second label in the second label application position;

the post means centering the first label when the centering means is in the inoperative position and the first label is in the first label application position; and

the post means including article support means for supporting an article in a position such that the article can be pressed down and against the exposed adhesive face of the first label when the first label is in the first label application position.

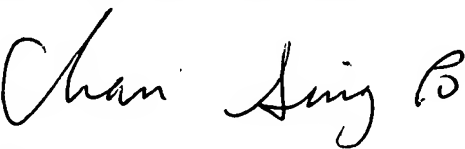
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sing P. Chan whose telephone number is 571-272-


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1225. The examiner can normally be reached on Monday-Thursday 7:30AM-11:00AM and 12:00PM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip C. Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


SPC


PHILIP TUCKER
PRIMARY EXAMINER
SPE ART UNIT 1734